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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,900	01/14/2002	Muguo Chen	eVionyx-0014USAAON00	1380
26665	7590	09/08/2004	EXAMINER	
REVEO, INC.			JOHNSON, EDWARD M	
85 EXECUTIVE BOULEVARD			ART UNIT	
ELMSFORD, NY 10523			PAPER NUMBER	

1754

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/045,900	CHEN, MUGUO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Edward M. Johnson	1754	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 January 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-17 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Specification***

1. The disclosure is objected to because of the following informalities: Fig. 2 is not included in the Brief Description of the Drawings.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10, line 1, "the reinforcing element" lacks antecedent basis.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1-7, 9-11, and 13-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Clemens et al. US 4,379,763.

Regarding claims 1 and 17, Clemens '763 discloses a gelling treatment for radioactive waste and other wastes (see abstract and column 1, lines 24-26) comprising contacting with a polymerizable monomers (see column 4, lines 54-68) and forming a transportable gelled mass wherein the complexed contaminant is restrained within the mass (see column 2, lines 60-68), and wherein the contaminant may be extracted (see column 3, lines 12-13).

Regarding claim 2, Clemens '763 discloses hydrogel polymer (see column 10, lines 17-19).

Regarding claims 3-7, 9-11, and 15, Clemens '763 discloses crosslinked acrylonitrile, methylmethacrylates (see column 7, lines 13-14), and acrylamide (see column 2, lines 43-46).

Regarding claims 13-14, Clemens '763 discloses alcohol solvents (see column 6, lines 18-21).

Regarding claim 16, Clemens '763 discloses addition of an organic dye (see Examples 15-20).

6. Claims 1-7, 9-11, 13-15, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Bahr et al. US 4,131,563.

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Regarding claims 1 and 17, Bahr '563 discloses a method for storing radioactive or toxic waste comprising polymerization and encapsulation of the waste into the polymer (see abstract) and separation (see column 2, lines 45-50).

Regarding claims 2, Bahr '563 discloses water swellable gels (see column 3, lines 37-46).

Regarding claims 3-7, 9-11, and 15, Bahr '563 discloses crosslinked acrylic acid and methacrylic acid (see column 1, lines 60-62).

Regarding claims 13-14, Bahr '563 discloses oleyl alcohol (see Examples 4-5).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clemens '763.

Regarding claim 12, Clemens '763 fails to disclose formaldehyde.

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It is considered that it would have been obvious to one of ordinary skill in the art at the time the invention was made to use formaldehyde in the treatment process of Clemens '763 because Clemens '763 discloses formaldehyde urea having merit in solidifying radioactive waste (see column 2, lines 36-39 and 45-47).

#### ***Allowable Subject Matter***

9. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter: It would not have been obvious to one of ordinary skill in the art at the time the invention was made to use one of the listed crosslinking agents of claim 8 in the method of encapsulating radioactive particles of the instant claim 8.

#### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. O'Brien et al. US 4,358,401 discloses solidification and disposal of radioactive waste comprising polymerization and separation (see abstract, Examples); Arnold et al. US 4,077,901 discloses

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encapsulation of nuclear waste comprising dispersion and polymerization within a resin polymer and curing (see abstract and Examples).

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward M. Johnson whose telephone number is 571-272-1352. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley S. Silverman can be reached on 571-272-1358. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free).

EMJ

A handwritten signature in black ink, appearing to be "EMJ" followed by a stylized flourish.